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U.S. DISTRICT COURT

Allan Miller  
3385 Claudia Drive  
Concord, CA 94519  
650-468-7387  
allan.miller@alumni.stanford.edu  
Pro Se Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

ALLAN MILLER

Plaintiff,

vs.

HFN, INC., a Delaware Corporation, d/b/a as  
NANOHEAL BY HFN INC.,  
KALAARI CAPITAL ADVISORS  
PRIVATE LIMITED, an Indian Company,  
SRIDHAR SANTHANAM,  
KUMAR SHIRALAGI, PAVAN VAISH,  
and VANI KOLA

Defendants.

Case Number: 2:23-cv-00733-CMR

**RESPONSE IN PARTIAL OPPOSITION  
TO VANI KOLA'S MOTION TO  
EXTEND TIME TO RESPOND TO  
FIRST AMENDED COMPLAINT**

## **SUMMARY**

Defendant Vani Kola (“Defendant”) has moved (“Motion”) to extend time to respond to the First Amended Complaint (“FAC”) until 21 days after the Court rules on the pending Motions to Dismiss (“MTDs”) filed by HFN, Inc. and Kumar Shiralagi. The Plaintiff agrees to the extension of time, but respectfully requests that the Court extend to a date certain independent of the ruling on the MTDs.

## **THERE IS NOW A DEADLINE TO EXTEND**

The Defendant incorrectly conflates this Motion with a previous motion to extend time to respond (Dkt. 37). As the Plaintiff has previously described, the Defendant had not yet been served at that time, so there was no deadline to extend. Now that the Defendant has been properly served, there is a deadline to extend.

The Plaintiff has maintained a friendly and professional relationship with the Defendant’s counsel and has no objection to extending the time to respond to the FAC to any reasonable time needed by counsel.

## **THE EXTENSION IS INDEPENDENT OF OTHER DEFENDANTS’ MOTIONS**

The Defendant argues that the Plaintiff is likely to seek a default judgment against her in the same manner as defendant Pavan Vaish (“Vaish”). The motion for a default judgment against Vaish<sup>1</sup> was based on his refusal to accept service from the Indian government. Since the Defendant has been properly served, evading the Hague service is not a cause for a default judgment against her.

The Defendant argues that there is substantial overlap between the arguments in the pending MTDs and the arguments the Defendant would raise. The Defendant’s role in the case is different from at least some of the other defendants in ways that the FAC makes clear, and the

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<sup>1</sup> which was denied by the Clerk based on circumstances that do not appear to be in evidence in the docket

Plaintiff disagrees with the characterization that “the FAC asserts virtually identical claims ... against all of the named defendants.”

Dkt. 37 argues that a dismissal of the case against HFN, Inc. or Kumar Shiralagi is likely to result in a dismissal against the Defendant as well, and bases this rather presumptuous prognostication of the Court’s actions on the outcome of the previous litigation in the Northern District of California. However, the dismissal in that Court was without prejudice and was based on jurisdictional issues, which are not a defense in the current MTDs.

### **CONCLUSION**

The Plaintiff agrees with the Defendant’s request for an extension of time to respond to the FAC, now that the Defendant has been served, but respectfully suggests that the Court deny the Motion with leave to amend it to extend the time to a date certain.

Date: June 10, 2024

By: /s/ Allan A. Miller  
Allan Miller  
Plaintiff (Pro se)

Certificate of Service

I certify that Plaintiff Allan Miller:

1. has registered for Email Filing and Electronic Notification pursuant to DUCivR 5-1(b)(1)(A);
2. has verified that the above document meets the requirements outlined in DUCivR 5-1(b)(1)(A);
3. has filed this document electronically through email to [utdecf\\_clerk@utd.uscourts.gov](mailto:utdecf_clerk@utd.uscourts.gov); and
4. has served all non-ECF parties by an acceptable means pursuant to DUCivR 5-1(b)(1)(A)(ii)(g).

Accordingly, the document will be served upon all ECF parties through the Court's ECF system.

Date: June 10, 2024

Signature: /s/ Allan A. Miller

Printed name: Allan A. Miller